

**Notice of Allowability**

Application No.

10/551,078

Examiner

Soumya Dasgupta

Applicant(s)

RUELLE ET AL.

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/19/2007.
2. ☒ The allowed claim(s) is/are 1-15 and 19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DOUG HUTTON****SUPERVISORY PATENT EXAMINER**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lennie Friedman on 12/19/2007.

The application has been amended as follows:

In the claims:

➤ Amend claims 1, 11, and 19 as follows:

1. (Currently Amended) In an environment including a set-top box associated with a television system, the set-top box being operative to receive instructions from a viewer via a remote control, the set-top box running a window-based display system, a method for managing the window-based display system, the method comprising[[,]]:

providing a plurality of windows, each of the windows being associated with an application, at least someone of the plurality of windows being able to accept focus;

assigning, to each one of the plurality of windows being able to accept focus, a focus priority;

automatically, without the need to receive any instruction from the viewer, assigning focus to exactly one window at any time by choosing, from among the at least one of the plurality of windows able to accept focus, a window having a highest focus priority of the windows able to accept focus, so that requesting focus for one of the windows does not necessarily allow focus to be given to the one window requesting focus; and

designating the chosen window as an active window.

11. (Currently Amended) A computer program product readable by a machine, tangibly embodying a program of instructions executable by the machine and operating in an environment including a set-top box associated with a television system, to perform a method for managing windows in a window-based display system, the method comprising:

- providing a plurality of windows, each of the windows being associated with an application, at least some of the plurality of windows being able to accept focus;

- assigning, to each one of the plurality of windows being able to accept focus, a focus priority;

- automatically, without the need to receive any instruction from the viewer, assigning focus to exactly one window at any time by choosing, from among the at least one of the plurality of windows able to accept focus, a window having a highest focus priority of the windows able to accept focus, so that requesting focus for one of the windows does not necessarily allow focus to be given to the one window requesting focus; and

- designating the chosen window as an active window.

19. (Currently Amended) A set-top box system associated with a television system,[[.]] the set-top box system including a means for managing windows, comprising:

- means for providing a plurality of windows, each of the windows being associated with an application, at least some of the plurality of windows being able to accept focus;

- means for assigning a focus priority to each one of the plurality of windows being able to accept focus;

- means for assigning focus to exactly one window at any time by choosing, from among the at least one of the plurality of windows able to accept focus, a window having a highest focus priority of the windows able to accept focus, so that requesting focus for one of the windows does not necessarily allow focus to be given to the one window requesting focus; and

means for designating the chosen window as an active window, wherein the means for providing a plurality of windows, the means for assigning a focus priority, the means for assigning focus and the means for designating are operationally associated with each other.

***Allowable Subject Matter***

Claims 1-15 and 19 are allowed.

The following is an examiner's statement of reasons for allowance:

**Claims 1, 6, 11 and 19:**

2. The prior art fails to disclose or suggest the combination of limitations recited in Claims 1, 6, 11, and 19. More specifically, the prior art fails to disclose or suggest a windows management system in a set-top box environment that:

- provides a plurality of windows, wherein each window is associated with an application and wherein at least some of the windows are able to accept focus (i.e., some of the windows can accept keyboard and remote control entries from a user);
- assigning a focus priority to each of the windows that are able to accept focus;
- at any time, assigning focus to exactly one of the windows that are able to accept focus by choosing the one window with the highest focus priority so that another window requesting the focus does not receive the focus.

The examiner notes that these features of the windows management system are illustrated in Figures 5-9 and described in detail on Page 11, Lines 7-31 of the Specification in the present application.

Regarding Claim 6, the examiner interprets the recited "*set-top box system associated with a television system*" to include the following hardware components:

- a set top box;
- a television; and
- a remote control,

as indicated in Figure 1 of the Drawings. The recited "*window-based display subsystem*" and its associated modules are controlled by, and displayed using, the hardware components of the system, as indicated in Figures 2-9 of the Drawings. Accordingly, Claim 6 recites statutory subject matter, as defined in 35 U.S.C. 101.

Regarding Claim 11, the examiner interprets the recited "*computer program product readable by a machine*" to be a hardware component, since the "*computer program product*" **tangibly embodies** a "*program of instructions*." Accordingly, Claim 11 recites statutory subject matter, as defined in 35 U.S.C. 101.

Regarding Claim 19, the examiner interprets the recited "*set-top box system associated with a television system*" to include hardware components, since each of the recited "*means for*" performing the various recited functions includes:

- a set top box;
- a television; and
- a remote control,

as indicated in Figures 1-9 of the Drawings. Accordingly, Claim 19 recites statutory subject matter, as defined in 35 U.S.C. 101.

#### **Claims 2-5:**

These claims incorporate the allowable subject matter of Claim 1 and are thus allowable.

**Claims 7-10:**

These claims incorporate the allowable subject matter of Claim 6 and are thus allowable.

**Claims 12-15:**

These claims incorporate the allowable subject matter of Claim 11 and are thus allowable.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soumya Dasgupta whose telephone number is 571-272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN, USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Doug Hutton', with a stylized, cursive script.

DOUG HUTTON  
SUPERVISORY PATENT EXAMINER